

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,

*Plaintiff,*

V.

BRIAN ZAIGER dba  
ENCYCLOPEDIADRAMATICA.SE,

*Defendant.*

CIVIL ACTION NO. 17-cv-10356-PBS

## AFFIDAVIT OF RICHARD GOREN

I, Richard A. Goren, an attorney admitted to practice before the courts of the Commonwealth of Massachusetts, on oath depose and state as follows:

1. I am counsel to the Plaintiff, Jonathan Monsarrat. I submit this affidavit to attest to my communications with Defendant Brian Zaiger and his counsel.
2. Following the in-hand service on the Defendant Brian Zaiger on April 26, 2017, I communicated with him by letter, by email and by telephone.
3. On May 1, 2017, I emailed Mr. Zaiger the affidavit of service on him that was filed with the Court. (ECF # 14). I informed Mr. Zaiger:  
  
See attached filing with the Court as to service in hand of summons and complaint on Brian Zaiger.  
  
Mr. Zaiger, your answer to the complaint should be filed on or before May 17, 2017. Have your counsel contact me at his/her earliest convenience.
4. On May 3 and 4, 2017, I emailed and mailed to Mr. Zaiger Plaintiff's motion to serve subpoena on Cloudflare to reveal identity of owner of the Encyclopedia Dramatica website and urged Mr. Zaiger to "ask your counsel to advise you about liability under the Copyright Act...". On May 10 and 12, 2017, I emailed and mailed to Mr. Zaiger the Court's Order

granting leave to serve third party subpoenas on Cloudflare and other third party internet service providers to ascertain the owner of the Encyclopedia Dramatica website.

5. On May 16, 2017, Mr. Zaiger emailed me about the case. On May 17, 2017, Mr. Zaiger emailed me and admitted he owns the Encyclopedia Dramatica website. On Friday May 19, 2017, I had a telephone discussion with Mr. Zaiger about the case in which he referenced conferring with the Electronic Frontier Foundation and some unidentified legal counsel about the case. On May 20 and 21, 2017, Mr. Zaiger emailed me about the case.

6. I filed the Request for issuance of notice of default at 3:09pm on May 23, 2017. A few hours later, at 5:12pm, I received a letter of representation from Marc Randazza, Esq. Mr. Randazza then called and we conferred about an extension. Later that evening Mr. Randazza and Mr. Wolman filed their appearances and moved for an extension. (See ECF # 18, 19, and 20).

7. On May 26, 2017, I conferred with Jay Wolman, Esq. and informed him that I would be filing a voluntary dismissal of the Doe defendants. We also conferred about the motion for extension. When I told Mr. Wolman the motion lacked good grounds, he insisted the “good cause” standard was adequate and that I should file a response.

EXECUTED UNDER THE PENALTIES OF PERJURY THIS 26<sup>th</sup> DAY OF MAY, 2017.

/s/Richard A. Goren  
Richard A. Goren

### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and I served paper copies to the Defendant Does 1-5 by email on April 26, 2017.

/s/ Richard A. Goren